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In re Application of :
HUTCHINSON, Daniel Mark et al. :
US Application No.: 10/031,059 :
PCT Application No.: PCT/US00/19115 :
Int. Filing Date: 13 July 2000 : COMMUNICATION
Priority Date: 16 July 1999 :
Attorney's File Reference: RCA 89694 :
For: METHOD AND APPARATUS FOR :
PROVIDING DUAL AUTOMATIC GAIN :
CONTROL DELAY SETTINGS IN A :
TELEVISION RECEIVER :

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a) ONE INVENTOR NOT AVAILABLE", filed 10 February 2003.

BACKGROUND

On 28 May 2002, the applicants submitted, inter alia, a declaration naming four co-inventors Daniel Mark Hutchinson (Hutchinson), Gary Dean Grubbs (Grubbs), Matthew Thomas Mayer (Mayer), and Ricardo Haro (Haro). The declaration was signed by Hutchinson, Grubbs, and Mayer but not by Haro. Further, Haro's name and address were crossed through in pencil.

On 24 December 2002, this Office mailed a decision dismissing applicants' petition under 37 CFR 1.47(a) filed 28 May 2002. The decision indicated that before the petition could be granted, the applicants would have to provide 1) a statement signed by Jack Schwartz, detailing his attempt to contact Haro and 2) a properly executed declaration clearly listing all of four of the co-inventors Hutchinson, Grubbs, Mayer, and Haro.

On 10 February 2003, the applicants filed the present "Renewed Petition Under 37 CFR 1.47(a) One Inventor Not Available" which is accompanied by a declaration

listing all four co-inventors which is signed by Haro only. The declaration includes the faint trace of a pen or pencil mark striking through the listings of co-inventors Hutchinson, Grubbs, and Mayer. It appears that the names of these three co-inventors were struck with a pen or pencil mark but that an attempt was later made to erase this mark.

DISCUSSION

In the present petition the applicants assert that the declaration accompanying the petition satisfies the requirement to provide a declaration executed by co-inventor Haro. The applicants further assert that the declaration, filed 28 May 2002, satisfies the requirement to provide declarations executed by the other three co-inventors Hutchinson, Grubbs, and Mayer. The petition further asserts that declarations executed by all named co-inventors have now been provided and that all filing requirements have now been met.

Neither the declaration filed on 28 May 2002 nor the declaration filed on 10 February 2003 is acceptable. As stated in the decision of 24 December 2002, the declaration filed on 28 May 2002 lists all four co-inventors and is signed by co-inventors Hutchinson, Grubbs, and Mayer but the listing of the fourth co-inventor, Haro, is marked through. Accordingly, there is some question as to whether co-inventors Hutchinson, Grubbs, and Mayer understood that Haro was being named as a co-inventor when they signed the declaration. Similarly, the declaration filed 10 February 2002 lists all four co-inventors and is signed by Haro only but the listings of the other three co-inventors, Hutchinson, Grubbs, and Mayer, appear to have been crossed out with a pen or pencil mark which was later largely erased. Again, there is some question as to whether co-inventor Haro understood that Hutchinson, Grubbs, and Mayer were being named as co-inventors at the time he signed the declaration. Applicants should provide a properly executed declaration clearly listing for all four co-inventors.

CONCLUSION

Applicants' declarations are unacceptable for the reasons stated above.

A proper response must be filed within **ONE (1) MONTH** from the mail date of this communication. No extensions of time may be obtained under 37 CFR 1.136.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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